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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,700	10/20/2003	Takao Tsutaya	58647-171	2965

7590 06/13/2006  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

NOORI, MAX H

ART UNIT	PAPER NUMBER
2855	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n N .</b>		<b>Applicant(s)</b>	
	10/687,700		TSUTAYA, TAKAO	
	<b>Examiner</b>		<b>Art Unit</b>	
	Max Noori		2855	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disp sition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 6) ☒ Claim(s) 1, 14, 24, 65, 78 and 88 is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

Continuation of Disposition of Claims: Claims allowed are 6,8,10,12,19,21,25,27,29,31,33,37,39,42,44,48,50,52,57-64,70,72,74,76,83,85,89,91,93,95,97,101,103,106,108,112 and 114.

Continuation of Disposition of Claims: Claims objected to are 7,9,11,20,22,26,28,30,32,34,36,38,40,41,43,45,47,49,51,71,73,75,77,84,86,90,92,94,96,98,100,102,104,105,107,109,111,113 and 115.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 14, 24, 65, 78, 88 are rejected under 35 U.S.C. 102(b) as being anticipated by Badcock.

Badcock discloses a diaphragm (element 26) type drum weigher with feature of the claimed invention including a mounting portion attached to plate (see, for example, figure 1); a strain generation portion provided on the mounting portion and having a load applied portion with a strain gauge provided on the strain generation portion (see, figure 4), with said strain gauge has sensing elements evenly provided on periphery and positioned at a distances from the center and has a projection (element 28). The sensing elements have a pattern wherein the sensing element is disposed to receive a strain in the peripheral direction and a pattern wherein the sensing element is disposed to receive a strain in the radial direction (figure 4); and said strain gauge has terminals provided outside of the sensing elements and is disposed on the strain generation portion in such manner that said sensing elements are positioned on the strain generation portion and said terminals are positioned on the mounting portion.

3. Claims 7, 9, 11, 9, 20, 22, 26, 28, 30, 32, 34, 36, 38, 40, 41, 43, 45, 47, 49, 51, 71, 73, 75, 77, 84, 86, 90, 92, 94, 96, 98, 100, 102, 104, 105, 107, 109, 111, 113, 115 are objected to as

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being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 6, 8, 10, 12, 19, 21, 25, 27, 29, 31, 33, 37, 39, 42, 44, 48, 50, 52, 57-64, 70, 72, 74, 76, 83, 85, 89, 91, 93, 95, 97, 101, 103, 106, 108, 112, 114, are allowed over the prior art of the record.

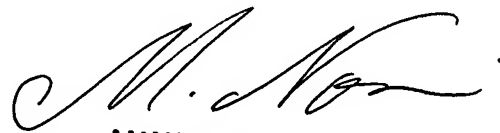
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max H. Noori whose telephone number is (571) 272-2185. The examiner can normally be reached on Tuesday-Friday from 8:00 AM to 6:00 P.M.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The central fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHN  
Friday, May 26, 2006

  
MAX NOORI  
PRIMARY EXAMINER